

HOUSE BILL NO. 421

INTRODUCED BY J. SHOCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT PROPERTY ACQUIRED BY CONDEMNATION MAY NOT BE USED BY THE CONDEMNOR FOR ANY PURPOSE THAT IS NOT SPECIFIED IN THE CONDEMNATION ORDER; STATING THAT AN EVOLVED TECHNOLOGY IS NOT CONSIDERED A NEW OR DIFFERENT USE; AMENDING SECTION 70-30-309, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-30-309, MCA, is amended to read:

"70-30-309. Final order of condemnation -- contents -- limitation on use -- vesting upon filing.

(1) When payments have been made and the bond, if appropriate, has been given, ~~if the plaintiff elects to give one~~, as required by 70-30-307 and 70-30-308, the court ~~must~~ shall make a final order of condemnation, ~~which~~ The order must describe the property condemned and the purposes of ~~such the~~ condemnation. Unless the condemned property IS TAKEN IN FEE SIMPLE TITLE OR IS SUBJECT TO 70-30-111(3) or [section 2], the property condemned may not be used BY THE CONDEMNOR for any purpose that is not specified in the condemnation order.

(2) A copy of the order must be filed in the office of the county clerk and recorder, and ~~thereupon~~ upon filing, the property described ~~therein shall vest~~ in the order vests in the ~~plaintiff~~ condemnor for the purposes ~~therein~~ specified in the order."

NEW SECTION. Section 2. Evolved technology. The law recognizes that technology evolves over time. Therefore, within the meaning of this chapter, a use that has evolved from an older technology and that accomplishes the same or a similar purpose as the original technology is not considered a new or different use.

NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 70, chapter 30, part 1, and the provisions of Title 70, chapter 30, part 1, apply to

1 [section 2].

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3 NEW SECTION. **Section 4. Saving clause.** [This act] does not affect rights and duties that
4 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
5 act].

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7 NEW SECTION. **Section 5. Applicability.** [This act] applies to condemnation orders issued after
8 [the effective date of this act].

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